



#19

Docket No.: M4065.0842/P842  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

In re Patent Application of:  
Roger Panicacci et al.

APR 19 2004

Application No.: 09/264,501

Confirmation No.: 3217

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

Filed: March 8, 1999

Art Unit: 2697

**RECEIVED**

For: READOUT CIRCUIT WITH GAIN AND  
ANALOG-TO-DIGITAL CONVERSION  
FOR IMAGE SENSOR

Examiner: D. Wu

MAR 31 2004

Technology Center 2600

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

Applicant hereby petitions the Commissioner for withdrawal of the holding of abandonment based on failure to receive Office Action and a remailing of the Office Action originally mailed June 18, 2003 with a new period for response beginning on the date of remailing.

The Notice of Abandonment mailed March 24, 2004 (Paper No. 18) indicates that an office correspondence was mailed on June 18, 2003. Applicants' representative, however, did not receive the original office correspondence. Applicants' representative has diligently searched its file jacket and representative's docket records indicate that the office correspondence was not received. Accordingly, the original office correspondence was lost in the mail.

Exhibits A – G are attached to this petition. Each exhibit include evidence that the original correspondence was not received. More specifically:

**Exhibit A:** This exhibit is a 2-page print out from our docketing system. The top portion of the first page include database fields which establishes a correspondence between the application serial number "09/264,501" and our docket number "M4065.0842/P842." The print out further includes a section entitled "Other Case-Related Information," which appears at the bottom of the first page and continues into the second page. This information include, *inter alia*, recordations concerning an Office Action mailed on January 2, 2003, a response filed on April 2, 2003, and a status inquiry filed on August 15, 2003. There is no recordation regarding the June 18, 2003 Office Action. If the undersigned had received the Office Action mailed June 18, 2003, a recordation regarding that Office Action would appear in this section of the report. Further, if the undersigned had received the Office Action mailed June 18, 2003, there would not have been any need to file a Status Inquiry on August 15, 2003.

**Exhibit B:** This exhibit is a single page print out from our docketing system. The notes seen in the print out were made as each paper related to the application was processed. Consistent with Exhibit A, the notes indicate the receipt of the January 2, 2003 Office Action, the filing of the April 2, 2003 response, and the filing of the August 15, 2003 status inquiry. There is no notation regarding the June 18, 2003

Office Action. If the undersigned had received the Office Action mailed June 18, 2003, a notation regarding that Office Action would appear in this list of notes.

**Exhibit C:** This exhibit is a 2-page photocopy from a handwritten log book maintained as a manual backup to the computerized portion of the docketing system. The photocopied pages correspond to all the entries made on September 18, 2003. All actions due on the date shown at the top of each page are written into the log. When an action is completed and delivered to docketing, its entry is crossed out. Each entry shows the initials of the handling attorney, the internal docket number, the application serial number, the action due, and any applicable notes.

The first due date for response to the June 18, 2003 Office Action would have been September 18, 2003. If the June 18, 2003 Office Action had been received, there would be an entry in the handwritten log for September 18, 2003 regarding a response. However, the September 18, 2003 log does not have any entries associated with the instant application.

**Exhibit D:** This exhibit is a 2-page photocopy from the handwritten log book first mentioned in the description of Exhibit C. The photocopied pages correspond to all the entries made on October 18, 2003, which would have been the due date with a 1-month extension of time for responding to the June 18, 2003 Office Action. If the June 18, 2003 Office Action had been received, and if no response had been filed by September 18, 2003, there would be an entry in the handwritten log for October 18, 2003 regarding a response. However, the October 18, 2003 log does not have any entries associated with the instant application.

**Exhibit E:** This exhibit is a 1-page photocopy from the handwritten log book first mentioned in the description of Exhibit C. The photocopied pages correspond to all the entries made on November 18, 2003, which would have been the due date with a 2-month extension of time for responding to the June 18, 2003 Office

Action. If the June 18, 2003 Office Action had been received, and if no response had been filed by October 18, 2003, there would be an entry in the handwritten log for November 18, 2003 regarding a response. However, the November 18, 2003 log does not have any entries associated with the instant application.

**Exhibit F:** This exhibit is a 1-page photocopy from the handwritten log book first mentioned in the description of Exhibit C. The photocopied pages correspond to all the entries made on December 18, 2003, which would have been the due date with a 3-month extension of time for responding to the June 18, 2003 Office Action. If the June 18, 2003 Office Action had been received, and if no response had been filed by November 18, 2003, there would be an entry in the handwritten log for December 18, 2003 regarding a response. However, the December 18, 2003 log does not have any entries associated with the instant application.

**Exhibit G:** This exhibit is a 2-page photocopy of a Status Inquiry regarding the instant application and its accompanying post card. The Status Inquiry was filed on August 15, 2003. Evidence that the status inquiry was received by the Office can be seen by the OIPE stamp on the post card, which indicates receipt of the status inquiry on August 15, 2003. If the June 18, 2003 Office Action had been received, there would have been no need to file the status request since the status of the application would have been known to the undersigned.

As the June 18, 2003 Office Action was never received, applicants' representative are entitled to have the holding of abandonment withdrawn and a remailing of the June 18, 2003 Office Action with the period to respond set to begin on the date of the remailing. See MPEP § 711.03(c)(II), at page 700-155 (8th Ed. Rev. 1 February 2003).

The Petition fee of \$130.00 is enclosed. If no fee is due, please refund our Deposit Account 04-1073. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which

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should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. M4065.0842/P842. A duplicate copy of this paper is enclosed.

Dated: March 26, 2004

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Christopher S. Chow

Registration No.: 46,493

DICKSTEIN SHAPIRO MORIN &  
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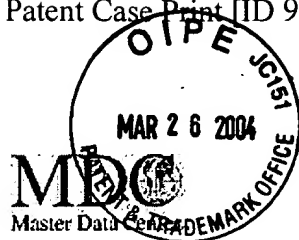
Attorneys for Applicant



Application No. 09/264,501

Docket No. M4065.0842/P842

**EXHIBIT A**



# Patent: M4065.0842/P842, United States, REGULAR CASE TYPE, NATIONAL CASE, ORIGINAL OR PATENT CASE

## Patent Data

Docket Number M4065.0842/P842  
 Country United States  
 Case Type REGULAR CASE TYPE  
 Relation Type ORIGINAL OR PATENT CASE  
 Filing Type NATIONAL CASE  
 Filing Number  
 Status APPLICATION IS FILED  
 Sub Status PENDING  
 Parent Country United States  
 Parent Number 077599/60  
 Application Number 09/264,501  
 Patent Number  
 Publication Number  
 Assigned ASSIGNMENT RECORDED  
 Convention Type BASED ON PRIORITY CASE  
 Custom Code #1  
 TaxAgent  
 3rd Attorney Christopher Chow  
 Department  
 Custom Party #2  
 Custom Party #3  
 Custom Party #4  
 Custom Party #5  
 Custom Party #6  
 Custom Party #7  
 Custom Party #8  
 Agent Ref No  
 Custom Code #2  
 Custom Code #3  
 Custom Code #4  
 Custom Code #5  
 Custom Code #6  
 Custom Code #7  
 Customer Code DMPP

Attorney THOMAS J. D'AMICO  
 Agent  
 Client\Division MICRON TECHNOLOGY, INC.  
 Current Owner MICRON TECHNOLOGY, INC.  
 Previous Owner  
 Text #10  
 First Filing Date 3/9/1998  
 Sub Status Date 12/31/2002  
 Parent Filing Date 3/9/1998  
 Parent Grant Date  
 Application Date 3/8/1999  
 Grant Date  
 Publication Date  
 Ind. Claims\Designs 0  
 Total Claims 0  
 TotalClasses  
 ConfirmationNumber  
 Tax Base Date  
 Next Tax Date  
 Expiration Date  
 Client Ref. # PBIT-0029.00/US  
 Custom Date #1  
 Custom Text #2  
 Custom Date #2  
 Custom Text #3  
 Custom Date #3  
 Custom Text #4  
 Custom Date #4  
 Text #5  
 Text #6  
 Text #7  
 Text #8  
 Text #9  
 Customer Name Dickstein, Shapiro & Morin

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**Technology Center 2600**

## Title

READOUT CIRCUIT WITH GAIN AND ANALOG-TO-DIGITAL CONVERSION FOR IMAGE

## Description

## Current Expense Information

## Other Case-Related Information

### Actions

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes
STATUS INQUIRY DUE	1/15/2004				STATUS FLD 8/15/03
IDS N/A					

MISS. PARTS N/A  
MATTER SETTLED  
FILING REC'T RECEIVED  
FOREIGN/NA

OFFICE ACTION      1/2/2003  
RESP DUE (0X)

1/13/2003  
4/2/2003

**Inventors**

Inventor Name  
PANICACCI, ROGER  
MANSOORIAN, BARMAN  
BARNA, SANDOR L.  
KRYMSKI, ALEXANDER I.

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CreateUser: LS3

UpdateUser: dw3

CreateDate: 12/31/2002

UpdateDate: 12/16/2003

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**EXHIBIT B**



12/30/02 - FILE TRANS IN FROM FISH & RICHARDSON

1/13/03 - REC'D 3 MTH NON-FINAL OA FROM USPTO MAILED 1/2/03

**1/16/03 - FILED USPTO - STATUS INQUIRY**

1/28/03 - REC'D LTR OF 1/27/03 FROM CLIENT ENCLOSING SIGNATURE PAPERS

1/31/03 - PER CC DKT NON-FINAL OA RPT/CLIENT 1/27/03

1/31/03 - FILED USPTO - TRANSMITTAL (1 PAGE) REVOCATION OF POWER OF ATTORNEY AND NEW POWER OF ATTORNEY (2 PAGES) WITH COPY OF ASSIGNMENT (21 PAGES) REQUEST FOR CHANGE OF ATTORNEY DOCKET NUMBER (1 PAGE)

2/3/03 - RECD GRANTED ON REQUEST TO WITHDRAW AS ATTORNEY FROM USPTO MAILED 1/31/03

3/11/03 - REC'D NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY MAILED 3/5/03

4/2/03 - FILED USPTO VIA CHRIS CHOW; TRANS; AMENDMENT TRANS; AMENDMENT 26 PGS; REQUEST FOR APPROVAL OF DRAWINGS CORRECTIONS, 1 PAGE DRAWING; P'CARD

8/15/03 - FILED USPTO STATUS INQUIRY; P'CARD

OK

Cancel

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EXHIBIT C

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MAR 31 2004

Technology Center 2600

THURSDAY

18

SEPTEMBER

Pd 9-22-03

TJ/PV M4065.0195/P195 09/495,719 Issue Fee ~~Drawing~~ Fld 8/22/03

Fld 9-15-03

TJ/D/TD M4065.0151/P151(01) 09/939,960 Resp Due (OX)  
 (P) 9/17/03

UT/GC R2184.0058/P058 01 10/370,520 Resp Due (OX)  
 9/12/03

JD/RF M4065.0391/P391 09/805,203 Resp Due (OX)

Today 9/16/03

JD/EC M4065.0400/P400 09/741,821 Resp Due (OX)

Fld 9-22-03 Today

JD/JD M4065.0319/P319 09/296,835 Resp Due (OX)

Fld 9-22-03

UT/GC A3048.0012/P333-01 10/034,250 Resp Due (OX)

Fld 9-22-03

Today

JD/DAD M4065.0132/P132-01 09/594,171 Final Resp (OX)

JD/DGD M4065.0132/P132-01 09/594,171 NTC Appeal (OX)

Today Ext

Ext

JD/PV K0510.0032/P032-03 10/106,020 Resp Due (OX)

Fld 9-11-03

JD/D/JCL R2180.0114/P114 09/940,482 Resp Due (OX)

Fld 9-9-03

JD/GC M4065.0250/P250 09/568,156 Final Resp (OX)

JD/GC M4065.0250/P250 09/568,156 NTC Appeal (OX) Ext

W

Today

UT/JCL N9450.0059/P059 10/221,845 Resp Due (OX)

Ext

JD/MJT A25T8060.0010/P010 09/931,188 Resp Due (OX)

Ext

JD/PV K0510.0032/P032-02 10/106,020 Resp Due (OX)

Pd 9-17-03

JD/MB N0520.0030/P030-01 10/122,317 Issue Fee Due \*

Ext

TJ/D/DS 79995.0698/P698 10/439,046 New Patents (OX)

JD (P) 9/16/03  
 0302.00352/P352 NEW Patent Appln

Not Filing/Tr

GL U2071.0003/P003 PCT PCT/US02/13499 Written Opinion Due

Ext

Today

JD/DG N9450.0035/P035 09/984,436 Resp Due (2X)

Fld 9-3-03

info more on this from airtel 7/5/03 and confirm hearing

NOT Filing / T

CL ~~U2071.0003/P003 PCT~~ ~~PCT/US02/13499~~ Written Opinion Due  
EXT Today

ST/DG ~~N9450.0035/P035~~ 09/984,436 Resp Due (2X)  
FLD 9-3-05

JO/EO ~~M4065.0010/P010-01~~ 09/756,929 Confirm Hearing

SAS ~~M0025.0295~~ File Appln DOL FLD 9-17-05



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**EXHIBIT D**

Pd by client

~~TJD/EO M4065.0063/P063 09/083,093 Amend Fee Due~~

Pd by client

~~TJD/CF K6510.0027/P007 08/80,086 Amend Fee Due~~

Pd 8-25-03

~~JWB I8602.0009/P009 3407,912 Grace period ends \*~~

Fid 10-20-03 today

~~MJT/TLS K8098.0000/P009 29/175,576 Resp Due (OX)~~

Amend F 9/25/03

~~TJD/EP M4065.0540/P540 10/162,673 Resp Due (OX)~~~~MJT/JCH N9450.0063/P065 10/239,769 Resp Due (OX)~~

Today Pd 10-26-03

~~MJT/PV B2189.0108/P108 09/987,125 Issue Fee Due \*~~

Pd by client

~~TJD/GM O3020.0167/P167 08/672,998 Amend Fee Due~~

Today Ext

~~TJD/DB M4065.0082/P082 09/638,026 Appeal/Bff (OX)~~

Fid 4-15-03

~~SAS M4025.0290/P190 10/459,666 Miss Parts (OX)~~

Today Fid 10-15-03

~~TJD/MP M4065.0556/P556 10/291,728 Resp Due (OX)~~

Ext

~~TJD/DAD M4065.0132/P132.61 09/594,171 Ntc Appeal (IX)~~

Ext

~~TJD/PV K6510.0032/P032 03 10/106,020 Resp Due (IX)~~

Fid 10-26-03

Today

~~TJD/MI 78060.0016/P010 09/431,188 Resp Due (IX)~~

Ext

~~TJD/PV K6510.0032/P032 02 10/106,022 Resp Due (IX)~~

Ext

~~TJD/MS 29995.0698/P698 10/929,846 Miss Parts (IX)~~

Fid 10-15-03

~~MJT/DB N9450.0035/P035 09/984,436 Resp Due (3X)~~~~TJD/PV K6510.0032/P032 03 10/106,020 Resp Due (IX) Ext~~

Abandoned

~~MJS J2167.0457/PCT PCT/4503/24703 Correct Defects~~~~JDG/MAW C8386.0001/P001 PC PCT/US03/24020 Conf Defects (IX)~~

~~AST X2007.0044 File APPEND DDL~~ ~~File 10.11.1~~

~~730/730/66 m4065.0230/p256~~ ~~File 10.11.1 Today~~  
~~09/566,116 Ntc/Apple 1x~~



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**EXHIBIT E**

MUT-HW790.0005/P005 File Appln DOL\* (AP03-388) (F) 11/17

SAS A6130.0007/P007 09/948,670 Issue Fee Due (F) 11/17

TJD/MAW M4065.0596/P596 10/229,452 Resp Due (OX) (F) 11/17

TJD/CC G5030.0013/P013 09/479,886 Resp Due (OX) (F) 11/17

TJD/CC G5030.0013/P013 09/479,886 NTC/Appeal Due (OX) (F) 11/17

TJD/SAS/GC M4065.0236/P236.C 10/277,156 Resp Due (OX) (F) 11/17

TJD/GC T6060.0013/P013 09/545,350 Resp Due (OX) (F) 11/17

TJD/SPT F9600.0028/P028 09/831,864 Resp Due (OX) (F) 11/17

TJD/PS M4065.0082/P082 09/544,171 Appeal Brief (IX) (F) 11/17  
09/638,026

TJD/DAD M4065.0132/P132.01 09/544,171 NTC Appeal (IX) EXTEND (F) 11/17

TJD/PV K6510.0032/P032.02 10/106,022 Resp Due (OX) (F) 11/17

TJD/PS Z9495.0695/P695 10/429,046 Miss Parts (OX) (F) 11/17  
Z9991.1250/P1250 EXTEND

JDB/MAW C8386.0001/P001 Pct Pct US03/24020 Conv Defect (F) 11/17

SAS A7995.0010/P010 000/420,822 File Appln DOL (F) 11/17  
ABANDONED

TJD/GC M4065.0250/P250 09/568,156 NTC/Appl (2x) EXTEND

TJD/DAD M4065.0132/P132-01 09/544,171 NTC/Appl (2) EXTEND

Application No. 09/264,501

Docket No. M4065.0842/P842



**EXHIBIT F**

DECEMBER 18 THURSDAY

3Kv SKW - W1715.0722 - 76/264,185 - filed 12/9/03 ST/USF-X  
 JW SKW - S1584.0052 - 76/224,648 - filed 12/10/03 ST/USF  
 I GSC N1525.0000/T001-76/480,504 Resp Due \* filed 10/2/03  
 SK TDD/GC M4005.0390/P390-02 10/457,471 Resp Due (OK) filed 12/13/03  
 N TDD/GC M4065.0357/P357 09/828,823 Issue Fee Due \* filed 12/18/03  
 E TDD/CE G5030.0013/P013 09/479,886 final Resp. (X) filed 12/18/03  
 US TDD/CE G5030.0013/P013 09/479,886 NTC/Appal (X) filed 12/10/03 extend  
 JD LA/CE M4065.0855/P855 09/761,218 Restriction Req (X) filed 12/10/03  
 T MJT R2184.0286/P286 File New Appin (AP03-688) filed 12/12/03  
 JD MJT R2184.0287/P287 File New Appin (AP03-749) filed 12/17/03  
 SI SIW X2007.0147 File New Appin (H80HUS) file extend  
 TDD Z9991.1250/P.1250 10/492,046 MSG PRYS (X) non-mem  
 TDD/GC T8060.0013/P013 09/545,350 Resp - Dne (X)

Application No. 09/264,501

Docket No. M4065.0842/P842



**EXHIBIT G**

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MAR 31 2004

Technology Center 2600



**Inventor:** Roger Panicacci, et al.

**Atty Docket No.:** M4065.0842/P842

**Application No.:** 09/264,501-Conf. #3217

**Filing Date:** March 8, 1999

**Title:** READOUT CIRCUIT WITH GAIN AND ANALOG-TO-DIGITAL CONVERSION  
FOR IMAGE SENSOR

**Documents Filed:**

Status Inquiry (1 page)

**Via:** PTO DAILY RUN

**Sender's Initials:** TJD/CSC/cdl

**Date:** August 15, 2003



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